C.S.1001 SINGLE BENCH (1)

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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR

W.P.NO. 2476 /2006

PETITIONER

R.R. No. 2539/06
Presented by Shri U.K. Deshmukh
dated 9/5/06

G.R. Patel S/o Shri I.R. Patel, Aged about 60 years, R/o Flate No.301, Anand Apartment, Vikas Nagar, Bilaspur, District-Bilaspur (CG).

Versus

RESPONDENTS :

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9/5/06
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1) State of Chhattisgarh Through the Secretary, Mahila Avum Bal Vikas Vibhagh, Panchayat Avm Samaj Kalyan Mantralaya, DKS Bhawan, Raipur (CG).

2) The Deputy Secretary, Mahila Avum Bal Vikas Vibhagh, Panchayat Avm Samaj Kalyan Mantralaya, Raipur (CG)

3) The Director, Panchayat Avm Samaj Kalyan Vibhag, Mahanadi Khand, DKS Bhawan, Mantralya Raipur (C.G.)

4) The Collector, Bilaspur District, Bilaspur (CG).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक WP No. 2426 सन् 06 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11-5-2006

Shri P. Diwakar, Sr. Advocate with Miss Sunita Jain, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Advocate takes notice for the respondents.

Heard.

The point involved in this writ petition is very short and facts are not disputed, therefore, this writ petition is being disposed of at the admission stage itself.

The main grievance of the petitioner, raised in this petition, is that the petitioner was appointed as teacher in the year 1967 and thereafter in the year 1988 he was promoted on the post of Lecturer. At present he is working as Deputy Controller in the department of Panchayat and Social Welfare, Bilaspur. Since the petitioner was appointed as teacher, therefore, in view of the Chhattisgarh Government Servant (Superannuation Age) Second Amendment Adhiniyam, 1998 he is entitled to continue in service till he attains the age of 62 years.

Perusal of service record of the petitioner as well as above Amendment Adhiniyam, 1998 (Annexure-P/6) shows that prayer made by the petitioner is just and fair, as has been mentioned earlier. It is evident from the service record of the petitioner that initially in the year 1967 he was appointed as teacher in the pay scale of Rs.140-140-5-160-6-190-B-6-220-10-240, and thereafter he was promoted on the post of Lecturer in the year 1988. The explanation appended to section-2 of the Second Amendment Act, 1998 envisages that the teacher means a Government Servant known by whichever name, if he is appointed with the purpose of

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	teaching and on being promoted even if he is appointed on any administrative post and who has served at least 20 years continuously, he will be treated as teacher. It is admitted position that the retirement age of the teachers is 62 years, therefore, apparently the impugned order Annexure-P/1 whereby the petitioner has been directed to be retired on 30-6-2006 on attaining the age of 60 years is perverse and contrary to the provisions of Second Amendment Adhiniyam, 1998 and same is liable to be quashed. In the result, the petition is allowed and the impugned order is quashed. No order as to costs. In view of this order, M.(W.)P. No.1865/2006 and I.A. No.4897/2006 stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	
Barve		

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